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10/076,563	02/15/2002	Rhonda Brent	21-0781	1391

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EXAMINER

LE, NHAN T

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,563

Applicant(s)

BRENT, RHONDA

Examiner

Nhan T Le

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagi (US 6,725,020) in view of Garfinkel (US 6,157,298) and in further view of Gardner (GB 2,290,696).

As to claim 1, Yagi teaches a motorcycle helmet, the motorcycle helmet comprising a helmet being adapted for protecting a head of a user from impact, the helmet having a perimeter wall defining an interior space, the perimeter wall having a lower peripheral lip defining a lower opening such that the lower opening is adapted for permitting the head of the user to be inserted into the interior space of the helmet, the perimeter wall having a forward peripheral lip defining a front opening such that the front opening is adapted for permitting the user to see when the head of the user is positioned in the interior space (see fig. 1, number 12, col. 3, lines 45-55); However, Yagi fails to teach a playing assembly being positioned in the perimeter wall of the helmet. Garfinkel teaches a playing assembly being positioned in the perimeter wall of the helmet (see fig. 1, col. 2, lines 5-31, col. 4, line 54- col. 5, line 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 2685

provide the teaching of Garfinkel into the device of Yagi in order to provide the entertainment system for the motorcycle driver. The combination of Yagi and Garfinkel fails to teach the playing assembly being apted for reading audio information from a compact disc, a plurality of speakers being positioned in perimeter wall of the helmet and being coupled to the playing assembly. Gardner teaches a helmet contains a compact disc player being apted for reading audio information from the compact disc (see fig. 1, number 12, page 3, lines 18-24), a plurality of speakers being positioned in perimeter wall of the helmet and being coupled to the playing assembly (see page 2, lines 26-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gardner into the device of Yagi and Garfinkel in order to provide different entertainment system for the motorcycle driver.

As to claim 2, the combination of Yagi, Garfinkel and Gardner also teaches the helmet having a visor portion, the visor portion being positioned in the front opening of the helmet, the visor portion being adapted for deflecting wind around the helmet and out of the eyes of the user (see Yagi fig. 1, number 12, col. 3, lines 46-55).

As to claim 3, the combination of Yagi, Garfinkel and Gardner teaches a plurality of switches being operationally coupled to the playing assembly, the switches being positioned in the perimeter wall of the helmet (see Garfinkel fig. 3, numbers 25, 26, col. 5, lines 22-28). These switches perform like buttons for channel and volume selection. The combination of Yagi, Garfinkel and Gardner fails to teach a plurality of buttons being positioned proximately front opening of

the helmet such that the buttons are adapted for being easily accessible by the user, each of the buttons being for controlling a function of the playing assembly when the buttons are actuated by the user. Official notice is taken that these buttons are well known in the art. It would have been obvious to one of ordinary skill in the art to replace the switches with buttons and place the plurality of buttons anywhere on the perimeter of the helmet so that the helmet users can access the plurality button easily.

As to claims 4-9, the combination of Yagi, Garfinkel and Gardner teaches the motorcycle helmet for playing an audio compact disc. However, the combination of Yagi, Garfinkel and Gardner fails to teach the buttons comprising a play button, the play button being for actuating the playing assembly such that the playing assembly reads audio information from the compact disc received by the playing assembly; a stop button, the stop button being for actuating the playing assembly such that the playing assembly discontinues reading of audio information from the compact disc when the user has previously actuated the play button; a pause button being for actuating the playing assembly such that the playing assembly pauses reading of audio information from the compact disc when the pause button is actuated once by the user, the playing assembly being adapted for resuming reading of audio information from the compact disc when, the pause button is actuated a second time by the user; a search button, the search button being for actuating the playing assembly such that the playing assembly fast forwards through the audio information from the compact disc

Art Unit: 2685

when the user has previously actuated the play button; a skip button, the skip button being for actuating the playing assembly such that the playing assembly skips to the audio information of the next song on the compact disc when the user has previously actuated the play button; a volume button, the volume button being for actuating the playing assembly for controlling the volume of the speakers. Official notice is taken that these features are well known in the art. It would have been obvious to one of ordinary skill in the art to provide these features into the system of Yagi, Garfinkel and Gardner in order to operate the playing assembly.

2. Claims 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagi (US 6,725,020) in view of Garfinkel (US 6,157,298), Gardner (GB 2,290,696) and in further view of Comparetto (US 4,663,785).

As to claim 10, the combination of Yagi, Garfinkel, and Gardner fails to teach the helmet having a lid member, the lid member being pivotally coupled to the perimeter wall of the helmet, the lid member being positioned adjacent the playing assembly, the lid member being pivotable between an open position and a closed position, the lid member being adapted for permitting the compact disc to be operationally coupled to the playing assembly when the lid member is in the open position, the lid member being adapted for covering the compact disc when the lid member is in the closed position. Comparetto teaches the helmet having a lid member, the lid member being pivotally coupled to the perimeter wall of the helmet, the lid member being pivotable between an open position and a closed position, the lid member being adapted for operating the electronic components

Art Unit: 2685

in the recess of the head protector when the lid member is in the open position, the lid member being adapted for covering the electronic components in the recess of the head protector when the lid member is the closed position (see col. 3, lines 20-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Comparetto into the device of Yagi, Garfinkel, and Gardner in order to play and protect the playing device.

As to claim 11, the combination of the combination of Yagi, Garfinkel, Gardber, and Comparetto fails to teach a lid button being operationally coupled to a lid member, the lid button being positioned in the perimeter wall of the helmet proximate the front opening of the helmet such that the lid button is adapted for being easily accessible by the user, the lid button for being permitting the lid member to be pivoted between the open position and the closed position when the lid button is actuated by the user. Official notice is taken that the lid button is well known in the art (i.e., the lid button in the CD player or cassette player). It would have been obvious to one of ordinary skill in the art to provide the conventional lid button in order to easily insert and remove the disc from the playing assembly.

3. Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagi (US 6,725,020) in view of Garfinkel (US 6,157,298), Gardner (GB 2,290,696) and in further view of Comparetto (US 4,663,785).

As to claim 12, Yagi teaches a motorcycle helmet, the motorcycle helmet comprising a helmet being adapted for protecting a head of a user from impact,

Art Unit: 2685

the helmet having a perimeter wall defining an interior space, the perimeter wall having a lower peripheral lip defining a lower opening such that the lower opening is adapted for permitting the head of the user to be inserted into the interior space of the helmet, the perimeter wall having a forward peripheral lip defining a front opening such that the front opening is adapted for permitting the user to see when the head of the user is positioned in the interior space (see fig. 1, number 12, col. 3, lines 45-55); However, Yagi fails to teach a playing assembly being positioned in the perimeter wall of the helmet. Garfinkel teaches a playing assembly being positioned in the perimeter wall of the helmet (see fig. 1, col. 2, lines 5-31, col. 4, line 54- col. 5, line 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Garfinkel into the device of Yagi in order to provide the entertainment system for the motorcycle driver. The combination of Yagi and Garfinkel fails to teach the playing assembly being apted for reading audio information from a compact disc, a plurality of speakers being positioned in perimeter wall of the helmet and being coupled to the playing assembly. Gardner teaches a helmet contains a compact disc player being apted for reading audio information from the compact disc (see fig. 1, number 12, page 3, lines 18-24), a plurality of speakers being positioned in perimeter wall of the helmet and being coupled to the playing assembly (see page 2, lines 26-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gardner into the device of Yagi and Garfinkel in order to provide different entertainment system for the motorcycle driver. The

Art Unit: 2685

combination of Yagi, Garfinkel, and Gardber teaches the helmet having a visor portion, the visor portion being positioned in the front opening of the helmet, the visor portion being adapted for deflecting wind around the helmet and out of the eyes of the user (see Yagi fig. 1, number 12, col. 3, lines 46-55). The combination of Yagi, Garfinkel, and Gardber fails to teaches the helmet having a lid member, the lid member being pivotally coupled to the perimeter wall of the helmet, the lid member being positioned adjacent the playing assembly, the lid member being pivotable between an open position and a closed position, the lid member being adapted for permitting the compact disc to be operationally coupled to the playing assembly when the lid member is in the open position, the lid member being adapted for covering the compact disc when the lid member is the closed position. Comparetto teaches the helmet having a lid member, the lid member being pivotally coupled to the perimeter wall of the helmet, the lid member being pivotable between an open position and a closed position, the lid member being adapted for operating the electronic components in the recess of the head protector when the lid member is in the open position, the lid member being adapted for covering the electronic components in the recess of the head protector when the lid member is the closed position (see col. 3, lines 20-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Comparetto into the device of Yagi, Garfinkel, and Gardner in order to play and protect the playing device. The combination of Yagi, Garfinkel, Gardner and Comparetto fails to teach a plurality of buttons being positioned proximately front opening of the

Art Unit: 2685

helmet such that the buttons are adapted for being easily accessible by the user, each of the buttons being for controlling a function of the playing assembly when the buttons are actuated by the user, a lid button being operationally coupled to a lid member, the lid button being positioned in the perimeter wall of the helmet proximate the front opening of the helmet such that the lid button is adapted for being easily accessible by the user, the lid button for being permitting the lid member to be pivoted between the open position and the closed position when the lid button is actuated by the user, the buttons comprising a play button, the play button being for actuating the playing assembly such that the playing assembly reads audio information from the compact disk received by the playing assembly; a stop button, the stop button being for actuating the playing assembly such that the playing assembly discontinues reading of audio information from the compact disc when the user has previously actuated the play button; a pause button being for actuating the playing assembly such that the playing assembly pauses reading of audio information from the compact disc when the pause button is actuated once by the user, the playing assembly being adapted for resuming reading of audio information from the compact disc when, the pause button is actuated a second time by the user; a search button, the search button being for actuating the playing assembly such that the playing assembly fast forwards through the audio information from the compact disc when the user has previously actuated the play button; a skip button, the skip button being for actuating the playing assembly such that the playing assembly skips to the audio information of the next song on the compact disc when the user has previously

Art Unit: 2685

actuated the play button; a volume button, the volume button being for actuating the playing assembly for controlling the volume of the speakers. Official notice is taken that these features are well known in the art (for example, those features can be found in the CD player or Cassette player). It would have been obvious to one of ordinary skill in the art to provide these features into the system of Yagi, Garfinkel, Gardner and Comparetto in order to operate the playing assembly.

As to claim 13, Yagi teaches a motorcycle helmet, the motorcycle helmet comprising a helmet being adapted for protecting a head of a user from impact, the helmet having a perimeter wall defining an interior space, the perimeter wall having a lower peripheral lip defining a lower opening such that the lower opening is adapted for permitting the head of the user to be inserted into the interior space of the helmet, the perimeter wall having a forward peripheral lip defining a front opening such that the front opening is adapted for permitting the user to see when the head of the user is positioned in the interior space (see fig. 1, number 12, col. 3, lines 45-55); However, Yagi fails to teach a playing assembly being positioned in the perimeter wall of the helmet. Garfinkel teaches a playing assembly being positioned in the perimeter wall of the helmet (see fig. 1, col. 2, lines 5-31, col. 4, line 54- col. 5, line 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Garfinkel into the device of Yagi in order to provide the entertainment system for the motorcycle driver. The combination of Yagi and Garfinkel fails to teach the playing assembly being apted for reading audio information from a compact disc, a plurality of speakers being positioned in

Art Unit: 2685

perimeter wall of the helmet and being coupled to the playing assembly. Gardner teaches a helmet contains a compact disc player being apted for reading audio information from the compact disc (see fig. 1, number 12, page 3, lines 18-24), a plurality of speakers being positioned in perimeter wall of the helmet and being coupled to the playing assembly (see page 2, lines 26-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gardner into the device of Yagi and Garfinkel in order to provide different entertainment system for the motorcycle driver. The combination of Yagi, Garfinkel, and Gardber fails to teaches the helmet having a lid member, the lid member being pivotally coupled to the perimeter wall of the helmet, the lid member being positioned adjacent the playing assembly, the lid member being pivotable between an open position and a closed position, the lid member being adapted for permitting the compact disc to be operationally coupled to the playing assembly when the lid member is in the open position, the lid member being adapted for covering the compact disc when the lid member is the closed position. Comparetto teaches the helmet having a lid member, the lid member being pivotally coupled to the perimeter wall of the helmet, the lid member being pivotable between an open position and a closed position, the lid member being adapted for operating the electronic components in the recess of the head protector when the lid member is in the open position, the lid member being adapted for covering the electronic components in the recess of the head protector when the lid member is the closed position (see col. 3, lines 20-32). Therefore, it would have been obvious to one of ordinary skill in the art at the

Art Unit: 2685

time the invention was made to provide the teaching of Comparetto into the device of Yagi, Garfinkel, and Gardner in order to play and protect the playing device.

As to claim 14, the combination of Yagi, Garfinkel, Gardner, and Comparetto teaches a plurality of switches being operationally coupled to the playing assembly, the switches being positioned in the perimeter wall of the helmet (see Garfinkel fig. 3, numbers 25, 26, col. 5, lines 22-28). These switches perform like buttons for channel and volume selection. The combination of Yagi, Garfinkel, Gardner and Comparetto fails to teach a plurality of buttons being positioned proximately front opening of the helmet such that the buttons are adapted for being easily accessible by the user, each of the buttons being for controlling a function of the playing assembly when the buttons are actuated by the user. Official notice is taken that these buttons are well known in the art. It would have been obvious to one of ordinary skill in the art to replace the switches with buttons and place the plurality of buttons anywhere on the perimeter of the helmet so that the helmet users can access the plurality button easily.

As to claims 15-20, the combination of Yagi, Garfinkel, Gardner and Comparetto teaches the motorcycle helmet for playing an audio compact disc. However, the combination of Yagi, Garfinkel and Gardner fails to teach the buttons comprising a play button, the play button being for actuating the playing assembly such that the playing assembly reads audio information from the compact disk received by the playing assembly; a stop button, the stop button being for actuating the playing assembly such that the playing assembly

Art Unit: 2685

discontinues reading of audio information from the compact disc when the user has previously actuated the play button; a pause button being for actuating the playing assembly such that the playing assembly pauses reading of audio information from the compact disc when the pause button is actuated once by the user, the playing assembly being adapted for resuming reading of audio information from the compact disc when, the pause button is actuated a second time by the user; a search button, the search button being for actuating the playing assembly such that the playing assembly fast forwards through the audio information from the compact disc when the user has previously actuated the play button; a skip button, the skip button being for actuating the playing assembly such that the playing assembly skips to the audio information of the next song on the compact disc when the user has previously actuated the play button; a volume button, the volume button being for actuating the playing assembly for controlling the volume of the speakers. Official notice is taken that these buttons are well known in the art. It would have been obvious to one of ordinary skill in the art to provide these features into the system of Yagi, Garfinkel, Gardner and Comparetto in order to operate the playing device.

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Art Unit: 2685

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 703-305-4538. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhan Le

Nguyen Vo
1-24-2005

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PRIMARY EXAMINER